

ORDINANCE 2023-2

BE IT ORDAINED, that the Catawba County Code of Ordinances, Chapter 6, Animals, be amended in its entirety to read as follows:

Chapter 6, Animals

ARTICLE I. IN GENERAL

Sec. 6-1. Authority.

This chapter is established pursuant to the following grants of statutory authority:

- (1) G.S. 153A-121 which delegates to counties the power to regulate, prohibit, or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county. Counties may also define and abate nuisances.
- (2) G.S. 153A-123 which authorizes counties to levy fines and penalties for violations of its ordinances and allows counties to secure injunctions and abatement orders to further ensure compliance with its ordinances.
- (3) G.S. 153A-127 which authorizes counties to define and prohibit the abuse of animals.
- (4) G.S. 153A-131 which authorizes counties to regulate, restrict, or prohibit the possession or harboring of animals which are dangerous to persons or property.
- (5) G.S. 153A-442 which authorizes counties to establish, equip, operate, and maintain animal shelters.
- (6) G.S. 130A-192 which authorizes Animal Control Officers to canvass the county to determine if there are any animals not wearing the required rabies vaccination tag.
- (7) G.S. 67-4.5 which authorizes a county to adopt and enforce its own program for control of dangerous dogs.
- (8) G.S. 130A-186 which authorizes the local Health Director to appoint one or more certified rabies vaccinators.
- (9) G.S. 130A-197 which authorizes the local Health Director to order unvaccinated animals which have been exposed to rabies to be managed as specified by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-2. Purposes and objectives.

This chapter is established for the following purposes and objectives:

- (1) *Animal Cruelty and Neglect.* To ensure the humane treatment of, and to define and prohibit the abuse of animals.
- (2) *Rabies.* To protect citizens and animals from rabies transmitted by unconfined, uncontrolled or unimmunized animals.
- (3) *Dangerous and potentially dangerous dogs.* To regulate, restrict and/or prohibit the possession or harboring of dogs which are dangerous or potentially dangerous to persons or property.
- (4) *Stray animals.* To regulate, restrict or prohibit the keeping of any stray domestic animals.
- (5) *Animal nuisance.* To regulate animals that may be a nuisance or pose a risk to the safety of humans and other animals.

- (6) *Wild or exotic animals, poisonous reptiles and dangerous animals.* To regulate, restrict and/or prohibit harboring, keeping, or owning wild or exotic animals, poisonous reptiles, and dangerous animals.
- (7) *Animal bites.* To establish rules and procedures for dealing with animal bites.
- (8) *Impoundment of animals.* To regulate and establish procedures for the impoundment and confinement of animals.
- (9) *Redemption of impounded animals.* To regulate and establish procedures for redeeming animals impounded in the County's animal shelter.
- (10) *Destruction of animals.* To regulate and establish procedures for humanely euthanizing diseased, stray, unwanted, or unclaimed animals.
- (11) *Trap-Neuter-Return Program.* To establish and regulate procedures for handling community cats within the county.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to intentionally, knowingly, recklessly, or negligently leave an animal at a location without providing adequate food, water, and shelter or otherwise providing for the animal's care. A community cat caregiver who provides care to or has temporary custody of a community cat in accordance with a Trap-Neuter-Return Program as defined in this chapter is not deemed to have abandoned the cat.

Adequate food means the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate shelter means, at a minimum, an enclosure having at least three solid sides, a roof and a floor, an igloo shaped enclosure, or a nonmetal cylinder with one enclosed end which will keep a non-aquatic animal dry and out of the direct sun, at a temperature level that is healthful for the animal, is structurally sound and in good repair, in an area that has sufficient room for each animal to move about freely and lie down comfortably, free of accumulated waste and debris, with sufficient drainage so as to eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move.

Adequate water means a constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner. No algae shall be in the receptacle and water must not be frozen or too hot to be utilized for drinking.

Animal means every non-human species that has been domesticated by man.

Animal Control Officer means any person or persons hired under the County's personnel policy to pick up, restrain, impound, care for, or otherwise dispose of animals, and who is responsible for discharging such other duties or functions as may be prescribed by this chapter or any other County ordinance provision or by state laws or by the *Director of Emergency Services*.

Animal Services means the Catawba County Division of Animal Services.

Animal Shelter means any premises designated by the County for the purpose of impounding and caring for animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

Adequate veterinary care means veterinary care when needed to prevent suffering, and humane care and treatment.

At large means any animal found off of the property of its owner and not under restraint or any animal previously determined to be dangerous or potentially dangerous that is not under restraint or confined to a secure enclosure while on the property of its owner. This definition shall exclude any dog which is in a County-designated dog park.

Bite means the act of an animal seizing flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

Business day means any day of the week excluding Saturday, Sunday and County holidays. If the last day of the time period falls on a Saturday, Sunday or County holiday, then the action required shall be undertaken on the next day that is not a Saturday, Sunday or County holiday.

Cat means any and all domestic felines (*Felis catus*).

Care of an animal means keeping, harboring or having charge or control of and providing adequate shelter, food, water, and veterinary care to an animal.

Community cat means a cat that is abandoned, stray, lost, or feral and cared for by a community cat caregiver pursuant to this chapter.

Community cat caregiver means a person who, in accordance with the Trap-Neuter-Return Program defined in this chapter:

- (1) Provides care, including food, shelter, or medical care to a community cat; or
- (2) Has temporary custody over a community cat.

Confinement means impoundment within the County's animal shelter or other appropriate facility.

Crowded Conditions means confining an animal(s) to an area without sufficient room for each animal to move about freely and lie down comfortably, free of accumulated waste, debris, excess water, or moisture.

Cruelty and cruel treatment means every act, omission, or neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully, or acts prohibited under G.S. 14-360.

Currently vaccinated against rabies means an animal that has received a primary rabies vaccine at least twenty-eight (28) calendar days ago, or has received a booster vaccine administered in accordance with the vaccine manufacturer's package insert and is within the vaccine's duration of immunity for that particular species.

Dangerous dog means any dog that:

- (1) Is deemed by the Director of Emergency Services to be a level 1 or level 2 dangerous dog pursuant to the provisions of Sec. 6-131; or
- (2) Has been declared a Dangerous Dog in another county or state.

Dangerous exotic animal means any living animal as set forth in article VIII.

Director of Emergency Services includes his or her designee.

Dog means any and all domestic canines (*Canis lupus familiaris*).

Domestic animal means any animal domesticated by man for his use, e.g., horse, dog, cat.

Ear tipping means the removal of the 1/4-inch tip of a community cat's left ear, performed while the cat is under anesthesia, to identify the community cat as being sterilized and lawfully vaccinated for rabies.

Estrus means the period of maximum sexual receptivity of a female animal, commonly called "heat" or "rut."

Exposed to rabies means any person or animal that has bitten, been bitten by or otherwise came into contact or potentially came into contact with the bodily fluids of any animal known or suspected to have been infected with rabies.

Feral cat means a domestic cat which has adapted to survive in the wild, is homeless and ownerless.

Ferret means a domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.

Flood prone area means an area in which two or more inches of standing water are likely to accumulate during a period of normal rainfall.

Habitual violation means more than three violations of this chapter in a three-year period.

Harbor means sheltering and/or hiding an animal.

Impoundment means possession or seizure of an animal by the Animal Services division for placement in the animal shelter or other appropriate facility.

Necessary sustenance means adequate food and water as those terms are defined in this section.

Neuter or Neutered means to operate upon any male animal to prevent future reproduction.

Nighttime means the time from sunset until sunrise.

Nuisance means any act of an animal, or group of animals sharing common ownership, that annoys or disturbs rights and privileges common to the public or enjoyment of private property. The commission of a nuisance act on more than one occasion shall be evidence of a nuisance. A nuisance act includes, but is not limited to, the following:

- (1) Turns over garbage containers or removes garbage from a container.
- (2) Walks on or sleeps on automobiles of another person.
- (3) Damages gardens, foliage or other real personal property of another person.
- (4) Continuously or frequently roams or is found on the property of another person.
- (5) Is maintained in an unsanitary condition so as to be offensive to sight or smell.
- (6) Is not confined to a building or secure enclosure when in estrus.
- (7) Chases, snaps at, attacks, or otherwise molests pedestrians, cyclists, motor vehicle passengers, farm stock or domestic animals.
- (8) Defecates on private property without the permission of the owner.
- (9) Is diseased or dangerous to the health of the public.
- (10) Is housed or restrained less than five feet from a public street, road or sidewalk and, in the discretion of the Animal Control Officer, poses a threat to the general safety, health and welfare of the general public.

Owner means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on his/her property. A person, group of persons, firm, partnership or corporation caring for or having temporary custody of a community cat as a community cat caregiver shall not be considered the owner or keeper of the cat.

Owner's property means that area described in a deed of conveyance or the area described in a lease. In a situation involving town homes, condominiums or apartments, Animal Services will treat the common areas as being owned by the homeowners' association or lessor. A motor vehicle is not part of the owner's property unless it is physically located on the area described in a deed of conveyance or area described in a lease. A motor vehicle that is physically located in or on the common areas of town homes,

condominiums or leased apartments, or other public areas shall be treated as being off the owner's property.

Person means any human being, firm, partnership or corporation, including non-profit corporation.

Poisonous reptile means any animal that crawls or moves on its belly as a snake or on small short legs such as a lizard and has the capability of injecting humans or animals with venom, which may cause death or physical injury.

Potential rabies carrier means any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, coyotes and bats.

Potentially dangerous dog means any dog that:

- (1) Is deemed by the Director of Emergency Services to be a Potentially Dangerous Dog pursuant to the provisions of Sec. 6-131; or
- (2) Has been declared a Potentially Dangerous Dog in another county or state.

Preventive measures mean those measures, as required by Animal Services, taken to effectively restrain an animal or group of animals sharing common ownership, that has been deemed a public nuisance or a dog has been declared dangerous or potentially dangerous.

Provocation or provoking means any action designed to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked animal.

Rabies vaccinator means a person appointed and certified to administer rabies vaccine or a licensed veterinarian.

Restraint means a secure enclosure located on the owner's property, a chain or other tether no longer than 20 feet in length, a leash no longer than six feet in length, or other physical or electronic device of sufficient strength, which allows the owner to maintain control of an animal. Voice command is not recognized as adequate restraint.

Secure enclosure means an enclosure from which an animal cannot escape unless freed by the owner. Space and height requirements and other specifications for secure enclosures may be obtained from Animal Services based on the breed, age, height and weight of the animal or as required by section 6-133.

Spay or Spayed means to operate upon any female animal to prevent future reproduction.

Stray, lost, or unwanted means any animal found within the County wandering at large which does not appear to have an owner and does not bear evidence of identification of any owner, or any animal whose owner, if determinable, has failed to attach a valid rabies tag for the animal.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations, requires reconstructive surgery or hospitalization, or injury determined to be severe by a physician or veterinarian.

Trap-neuter-return means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning Community Cats to their original location.

Vaccination means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

Wild animal means any animal that is not normally domesticated. A hybrid of any animal, regardless of genetic percentages, shall be deemed a wild animal.

(Ord. of 8-17-2009; Ord. No. 2009-13, 11-16-2009; Ord. No. 2014-04, 6-16-2014)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 6-4. Authority of Health Director.

The local Health Director shall have the authority to declare areas under quarantine against rabies when the lives of persons are endangered and to do any other act required or authorized by this chapter and the laws of this state.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-5. Animal Services division.

Authority is hereby granted to the Animal Services division to enforce this chapter. All employees of the Animal Services division are hereby granted the following rights, powers and immunities, and such employees, through the Animal Services division, shall:

- (1) Have the responsibility, along with law enforcement agencies, to enforce all laws of the state and all ordinances of the County pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty.
- (2) Enforce and carry out all laws of the state and all ordinances of the County pertaining to rabies control.
- (3) Be responsible for the investigation of all reported animal bites, for the quarantine and confinement of any dog or cat known to have, or suspected of having, rabies for a period of not less than ten (10) calendar days, and for reporting to the local Health Director as soon as practicable the occurrence of any such animal bite and the condition of the quarantined animal.
- (4) Be responsible for monitoring the County Animal Shelter to ensure compliance with any and all contracts entered into by the County for the operation of the shelter and compliance with any applicable state and federal laws, rules and regulations.
- (5) Be responsible for the seizure and impoundment, when necessary, of any animal in the county involved in a violation of this chapter or any other ordinance or state law.
- (6) Investigate cruelty or abuse of animals and protect animals within the county from cruelty and abuse.
- (7) Make legal canvasses of property within the county as necessary for the purpose of ascertaining compliance with this chapter or state statute.
- (8) Maintain accurate and detailed records of seizures, impoundments, and dangerous animals, disposition of animals coming into the custody of the Animal Services division, bite cases, violations, complaints, investigations and monies collected.
- (9) Be empowered to issue notices of violation, assess civil penalties for violations of this chapter, and issue citations when authorized by law.
- (10) Be empowered to go upon private property to seize animals pursuant to the provisions of this chapter or an order of a court of competent jurisdiction of this state.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-6. Director of Emergency Services.

The Director of Emergency Services shall control, direct and supervise the Animal Services division, its employees and officers. The Director of Emergency Services shall monitor the County Animal Shelter to ensure compliance with any and all contracts entered into by the County for the operation of the Animal Shelter and compliance with any applicable state and federal laws, rules and regulations. The Director of Emergency Services is hereby designated by the Board of Commissioners as the person responsible for determining when a dog is dangerous or potentially dangerous. The Director of Emergency Services is hereby authorized to initiate legal action to enforce this chapter.

The Director of Emergency Services shall have the authority to delegate to the Animal Services staff any of the powers granted to the Director of Emergency Services by this chapter. Any act done by an Animal Control Officer or a member of the administrative staff that is in compliance with or within the scope of this chapter, shall be considered the official act of the Director of Emergency Services.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Cross reference(s)—Officers and employees, § 2-86 et seq.

Sec. 6-7. Animal Control Officers.

All persons employed by the Animal Services division to enforce the animal control regulations promulgated in this chapter shall be considered Animal Control Officers and shall have the rights, powers and immunities granted under this chapter and by the laws of this state to enforce the provisions of this chapter. Animal Control Officers are authorized to store drugs, chemicals and equipment at the Animal Services administrative offices and on Animal Services division vehicles as necessary to enforce the provisions of this chapter or other applicable law for the control of wild, vicious, dangerous or diseased animals. Animal Control Officers shall not have the power of arrest, but shall have all rights, powers and immunities as described in section 6-5.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-8. Enforcement.

The Director of Emergency Services, or any other person duly authorized to commence legal action on behalf of the county, may take necessary legal steps to enforce this chapter and collect any amount for outstanding costs, fees or penalties assessed pursuant to this chapter. This chapter shall be enforced by imposing the specific sanctions, penalties, fines and remedies described herein, by seeking injunctive relief, orders of abatement and any other means prescribed by statute or common law. In addition to any specific sanction, penalty or fine as outlined in this chapter, violations of this chapter shall be punishable as a criminal misdemeanor as specifically provided herein and permitted by state law.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-9. Interference with officers.

It shall be unlawful for any person to interfere with, hinder or molest an employee of the Animal Services division or any other person duly authorized by this chapter while in the performance of any duty as set out in this chapter. It shall also be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Services division, except as otherwise specifically provided in this chapter. A violation of this section shall be punishable as a class III misdemeanor.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-10. Sanctions and penalties.

Unless otherwise provided for in a particular section, the Animal Services division is authorized to assess civil penalties, the maximum amount of which may be in excess of \$50.00, pursuant to the County Fee Schedule adopted by the Board of Commissioners.

A civil penalty is due and owed upon assessment. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding civil penalty that was assessed prior to the animal being surrendered or as a result of the animal being impounded. If payment of a civil penalty is not received within five (5) business days of issuance, Animal Services may initiate legal proceedings to recover the amount of the penalty.

The County Manager, or his/her designee, shall have the authority to remit or waive certain civil penalties, fines and fees related to Animal Services, when it is in the best interest of the County and its citizens to do so.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-11. Method of service of notices and citations.

Unless otherwise specified in this chapter, all notices or civil penalties required by this chapter to be sent or delivered shall be made by personal service, certified mail, first class mail, or affixing the notice to the last known residence of the person who violated this chapter. Failure to comply with any valid notice shall be punishable as a class III misdemeanor.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-12. Appeal procedures.

- (a) An owner affected by any ruling or action taken by the Animal Services division may request a review of the action by filing a written request for appeal, or partial remission of civil penalties assessed, with the Animal Services division, except that:
 - (1) There shall be no right of appeal for the seizure of an animal pursuant to the order of a judicial official or magistrate.
 - (2) There shall be no right of appeal heard where the person requesting the appeal admits the violation and/or does not dispute the facts of the incident.
 - (3) Appeals for dogs declared to be dangerous or potentially dangerous shall be made to the dangerous dog appellate board as outlined in section 6-132.
- (b) Any appeal or request for remission pursuant to this section must be delivered in writing to the Animal Services division within three (3) business days of the action taken by Animal Services division.
- (c) An appeal pursuant to this section shall be heard and decided by the Emergency Services Director. The Emergency Services Director shall issue a decision in writing within ten (10) business days of the filing of the appeal.
- (d) A request for partial remission of a civil penalty assessed pursuant to this section shall be reviewed by the Emergency Services Director in accordance with section 6-10. The Emergency Services Director shall issue a decision in writing within ten (10) business days of the filing of the request.
- (e) All decisions by the Emergency Services Director pursuant to this section are final.
- (f) If the decision is in favor of the appellant, the Animal Services division shall immediately cease efforts to implement the sanction(s). Any decision rendered by the Emergency Services Director applies only to the violation(s) and sanction(s) appealed and does not prevent the Animal Services division from enforcing a subsequent violation of the same provision or any other provision of this chapter.
- (g) If the decision is against the person making the appeal, the owner of the animal remains responsible for any outstanding boarding and redemption fees, veterinary bills, or civil penalties that are not satisfied.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-13—6-25. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 6-26. Compliance with state law; article as supplement to state law.

- (a) It shall be unlawful for an animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- (b) The purpose of this article is to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-27. Vaccination of dogs, cats, and ferrets.

- (a) It shall be unlawful for an owner to fail to provide current vaccination by a licensed veterinarian or certified rabies vaccinator against rabies for any dog, cat or ferret four (4) months of age or older. Should it be deemed necessary by the local Health Director or the state public health veterinarian that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation by a licensed veterinarian or certified rabies vaccinator against rabies for that animal.
- (b) An animal shall be considered current only after twenty-eight (28) calendar days have passed after the initial rabies vaccination or the current vaccination has not expired.

(Ord. of 8-17-2009; Ord. No. 2009-13, 11-16-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-28. Vaccination tag.

- (a) The person who administers a rabies vaccine must issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag must show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine."
- (b) Dogs must wear a collar or harness with a rabies vaccination tag at all times, unless the dog is confined in a secure enclosure. Upon determining that a dog is not wearing a rabies vaccination tag and the owner cannot promptly display a valid rabies vaccination tag, the Animal Control Officer may issue a written warning instructing the owner to display the rabies vaccination tag or to have the dog vaccinated. If an additional violation of this article occurs after the owner of the dog has been issued a written warning, the dog shall be impounded and the owner shall be subject to a civil penalty as indicated in section 6-10.
- (c) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for another animal.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-29. Evidence of vaccination of cats and ferrets.

Cats and ferrets shall not be required to wear the rabies vaccination tag referred to in section 6-28, but the owner of a cat or ferret must maintain the rabies vaccination certificates as written evidence to prove that the cat or ferret has a current rabies vaccination. Upon determining that the owner of a cat or ferret cannot promptly provide the rabies vaccination certificate, the Animal Control Officer may issue a written warning instructing the owner to provide the rabies vaccination certificate or to have the cat or ferret vaccinated. If an additional violation of this article occurs after the owner of the cat or ferret has been issued a written warning, the cat or ferret shall be impounded and the owner shall be subject to a civil penalty as indicated in section 6-10.

(Ord. of 8-17-2009; Ord. No. 2009-13, 11-16-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-30. Confinement of all biting dogs, cats and ferrets.

- (a) Every dog, cat or ferret which has bitten any person must be confined immediately and must be promptly reported to Animal Services. The dog, cat or ferret must be securely quarantined, at the direction of Animal Services for a period of ten (10) calendar days and shall not be released from quarantine except by written permission from Animal Services.
 - (b) At the expense of the owner, dogs, cats and ferrets quarantined under this section must be confined in the County Animal Shelter or an approved licensed veterinary hospital, provided, however, that, if an Animal Control Officer determines that the owner or keeper of a dog, cat or ferret which must be quarantined has adequate confinement facilities upon his or her own premises, the Public Health Director, or her designee, may authorize the dog, cat or ferret to be confined on the premises upon proof of current vaccination against rabies. If the dog, cat or ferret is confined on its owner's or keeper's premises, an Animal Control Officer may revisit the premises for inspection purposes during the confinement period. If the owner or keeper fails to provide continuous quarantine of the dog, cat or ferret on his or her premises as instructed, the animal shall be removed by an Animal Control Officer and quarantined at a veterinary hospital or at the County Animal Shelter at the owner's cost. The owner or keeper shall agree in writing to the above conditions prior to the Animal Control Officer authorizing confinement on the owner or keeper's property.
 - (c) In the case of feral or stray dogs, cats or ferrets whose ownership is not known, the animal shall be quarantined for a minimum of seventy-two (72) hours. If the owner has not been identified within seventy-two (72) hours, the animal may be humanely euthanized and sent for rabies testing.
 - (d) If rabies symptoms do not develop within ten (10) calendar days after a dog, cat or ferret is quarantined under this section, the animal may be returned to the owner.
 - (e) If rabies symptoms develop within ten (10) calendar days after a dog, cat or ferret is quarantined under this section, the animal must be humanely euthanized and sent for rabies testing.
 - (f) If the dog, cat or ferret has been confined in the County Animal Shelter, all fees and costs associated with the care of the animal shall be paid by the owner at the time of redemption. Animals not redeemed within two (2) business days of the ending date of confinement shall become the property of the County. Animal Services is authorized to initiate legal proceedings to recover the costs of caring for an animal confined at the shelter pursuant to this section if the animal is not redeemed.
- (Ord. of 8-17-2009; Ord. No. 2009-13, 11-16-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-31. Management of animals exposed or potentially exposed to rabies.

- (a) If a dog, cat or ferret has a current rabies vaccination and is bitten by or exposed to a rabid or potentially rabid animal, the owner of the animal must get it a booster rabies vaccination within ninety-six (96) hours after contact with the possibly rabid animal. Animals are not considered vaccinated until the twenty-eighth (28th) day after the first vaccination.
- (b) If a dog, cat or ferret does not have a current rabies vaccination and is bitten by or exposed to a known rabid animal, Animal Services shall impound the animal.
 - (1) If the animal suspected of having rabies is available for testing, the unvaccinated dog, cat or ferret bitten by or exposed shall be confined at the County Animal Shelter until rabies test results have been received. If the test results are negative, the animal can be returned to its owner. All fees shall be paid by the owner at the time of redemption. If the test results are positive or inconclusive, the unvaccinated dog, cat, or ferret may be humanely euthanized. As an alternative to euthanasia, the animal may be quarantined at a facility approved by the local Health Director for a period up to six (6) months under reasonable conditions imposed by the local Health Director.
 - (2) If the animal suspected of having rabies is not available for testing, the unvaccinated cat, dog or ferret shall be considered to have been exposed to rabies and may be euthanized. Pursuant to G.S. 130A-197, as an alternative to euthanasia, the animal may be quarantined at a facility approved by the local Health Director for a period up to six (6) months under

reasonable conditions imposed by the local Health Director. The owner of the animal shall be responsible for the cost of quarantining the animal.

(Ord. of 8-17-2009; Ord. No. 2009-13, 11-16-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-32. Unlawful killing or releasing of certain animals.

It is unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, or to remove such animal from the county without written permission from the local Health Director.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-33. Failure to surrender animal for quarantine or euthanasia.

It is unlawful for any person to fail or refuse to surrender any animal for quarantine or euthanasia as required in this article when demand is made by the Animal Services division or the local Health Director.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-34—6-40. Reserved.

ARTICLE III. ANIMAL CRUELTY

Sec. 6-41. General care; prohibited acts.

All animals shall be kept and treated under sanitary and humane conditions, and it is unlawful for any person to engage in one or more of the following acts:

- (a) *Failure to provide adequate food.* All animals, unless otherwise indicated in this chapter, must be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
- (b) *Failure to provide adequate water.* All animals must have constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner. No algae shall be in the receptacle and water must not be frozen or too hot to be utilized for drinking.
- (c) *Failure to provide adequate shelter.* Animals must be provided with adequate shelter, as that term is defined in sec. 6-3, to reasonably protect them from the elements and from the weather at all times. It shall be within the discretion of Animal Services to determine what constitutes adequate shelter. This section does not apply to aquatic animals or livestock and other large animals which are normally pastured or otherwise live in the open. Examples of inadequate shelter include, but are not limited to, the following:
 - (1) Underneath outside steps, decks and stoops.
 - (2) Underneath houses.
 - (3) Inside or underneath motor vehicles.
 - (4) Inside metal barrels.
 - (5) Inside cardboard boxes.
 - (6) Inside temporary animal carriers or crates.
 - (7) Shelters located in flood prone areas or areas that lack a suitable method of draining so as to eliminate excess water or moisture.

- (8) Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.
- (d) *Failure or refusal of an owner of a sick, diseased or injured animal to provide proper medical treatment for the animal.* The owner of an animal must provide the animal with adequate veterinary care and must take steps necessary to protect the health of the animal and avoid suffering.
- (e) *Animal cruelty.* Examples of animal cruelty include, but are not limited to, the following:
 - (1) Intentionally overdriving, overloading, wounding, injuring, tormenting, killing, or depriving necessary sustenance, or causing or procuring to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance.
 - (2) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
 - (3) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
 - (4) Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
 - (5) Intentionally allowing animals to engage in a fight.
 - (6) Allowing animals to live in unsanitary or crowded conditions.
 - (7) Failing or refusing to obtain medical treatment for an animal when reasonably needed.
 - (8) Trapping a dog or cat without the use of a recognized humane live animal trap.
 - (9) Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. The Animal Services division shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fundraising events, petting zoos and any other activity or function carried out in the county if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.
 - (10) Confining or restraining an animal to the premises of a vacant or abandoned structure.
 - (11) Failing to provide adequate drainage to prevent surface water from standing in the area where the animal is kept or restrained. It shall be within the discretion of Animal Services as to what constitutes adequate drainage.
 - (12) Abandoning any animal within the County.
 - (13) Conducting surgical procedures, including cosmetic procedures, on any household pet except by a licensed veterinarian. This includes, but is not limited to, tail docking, ear cropping, castration, de-clawing, and dew claw removal.
- (f) *Chaining or tethering an animal to a stationary object for a period of time or under conditions that an Animal Control Officer deems harmful or potentially harmful to the animal.* Examples of improper chaining or tethering include, but are not limited to, the following:
 - (1) Using a length or weight of a chain or other tether that is not appropriate for the size, weight and age of the animal. Note: Under no circumstances should the weight of the tether exceed ten percent of the total body weight of the animal, but the tether must be of sufficient strength to prevent breakage.
 - (2) Using a chain or tether made of rope, twine, cord or similar material, unless such chain or tether is sold commercially for the purpose of chaining or tethering an animal.
 - (3) Using a chain or tether that is less than ten (10) feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.

- (4) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
- (5) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.
- (g) *Confining animals in motor vehicles.* Leaving an animal in a closed vehicle for such duration or at such temperatures as an Animal Control Officer deems harmful or potentially harmful to the animal.
 - (1) Pursuant to G.S. 14-363.3, in order to protect the health and safety of an animal, any Animal Control Officer, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal.
 - (2) Nothing in subsection (7) shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.
- (h) *Failure or refusal to report injured domestic animals.*
 - (1) All persons who injure a domestic animal by running over, into or otherwise coming into contact with an animal with an automobile, motorcycle, bicycle or other vehicle must notify the owner of the animal immediately.
 - (2) If the owner is unknown, the person who injured the animal must immediately notify Animal Services through the 911 center by giving his or her name and address, a description of the animal and the location of the incident.
- (i) *Animal Fighting.*
 - (1) No animal shall be used for fighting, training other animals to fight, or baiting other animals to exhibit fighting behavior.
 - (2) No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog, cat, bird/fowl, or other domestic, feral or wild animal with the intent that such animal shall be engaged in any animal fight/fight training, exhibited in animal fighting, or used as bait for fighting animals.
 - (3) No person shall charge admission, participate, or be present as a spectator, handler, timekeeper, referee, guard, etc. in any animal fight/battle.
 - (4) No person shall, for the purpose of any exhibition/occurrence of animal fighting, or training for animal fighting:
 - a. Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on premises owned or occupied by him/her; or
 - b. Allow a pit or other animal fighting arena or area whether permanent or portable, to be built, made, maintained, or kept on his/her premises; or
 - c. Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on any public or private property.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-42. Sanctions, penalties, fines, remedies.

An Animal Control Officer may undertake one or more of the following when a person fails or refuses to abide by or otherwise violates this article:

- (a) Obtain a magistrate's order to take possession of the animal.
- (b) Immediately seize the animal if the conditions pose an immediate threat to the health or safety of the animal or the public. A notice of seizure describing the exigent circumstances warranting the seizure shall be left with the owner or affixed to the premises.
- (c) In lieu of subsection (1) or (2) above, if it is determined by the Animal Control Officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected within a specified time, an Animal Control Officer may issue a written notice of violation directing the owner or possessor of the animal to correct the problem within the time specified. The time specified shall be between 24-72 hours dependent upon the severity of the violation and the Animal Control Officer's discretion. If the condition or problem is not corrected within the specified time, the Animal Control Officer may take action as outlined in subsection (1) or (2) above.
- (d) Issue a civil penalty for violation of any provision of this section in accordance with section 6-10.
- (e) Obtain a criminal summons or warrant.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-43. Exemptions.

This article shall not apply to agencies conducting biomedical research or training, the production of livestock or poultry for sale as a consumer product and the lawful euthanasia of any animal for the purpose of protecting livestock, poultry or humans.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-44—6-70. Reserved.

ARTICLE IV. ANIMAL NUISANCE

Sec. 6-71. Animal creating a nuisance.

It shall be unlawful for an owner to allow any of the acts listed in section 6-3 in the definition of the term "nuisance" to occur. Upon receipt of a written, detailed and signed complaint, an Animal Control Officer shall investigate to determine whether a violation of this article has occurred. A complaint may be submitted electronically, subject to the approval of the Director of Emergency Services. The Animal Services Division shall offer to a property owner, lessee, or other resident who calls about stray or community cats creating a nuisance information about Trap-Neuter-Return, and shall offer to refer the individual to a Trap-Neuter-Return Program.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-72. Sanctions, penalties, fines, and remedies.

- (a) Upon determining that a violation of this article has occurred, the Animal Control Officer may issue a written warning instructing the owner of the animal(s) to abate the nuisance.
- (b) If an additional violation of this article occurs after the owner of the animal(s) has been issued a written warning, the Animal Control Officer may issue a declaration of nuisance to the owner of the animal(s) along with a civil penalty in accordance with section 6-10. The owner must cause the animal(s) to abate the nuisance immediately and may be required by Animal Services to physically restrain the animal(s). If the nuisance for which the warning is issued is a condition which is offensive to sight or smell, the owner shall have seventy-two (72) hours within which to abate the condition before a written declaration of nuisance is issued.

- (c) Subsequent violations of this article may be punishable as a criminal misdemeanor as defined by state law, subject the owner of the animal(s) to civil penalties in accordance with section 6-10 and, in the discretion of the Director of Emergency Services, certain preventive measures may be prescribed.
- (d) Any animal found off of the property of its owner after having been declared a nuisance or any animal creating a nuisance for whom an owner is unknown and cannot be determined may be seized and impounded. A notice of impoundment shall be served upon the owner or affixed to the owner's premises, if known. The animal may be redeemed pursuant to article VII.
- (e) Nothing in this article shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from the animal(s) being a public nuisance.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-73. Animal housed or restrained near public way.

- (a) In addition to any penalties prescribed by section 6-10, when it has been determined that an animal housed or restrained less than five feet from a public street, road or sidewalk constitutes a nuisance, but the animal is not in the street, road, or on the sidewalk, the Animal Control Officer may issue a notice to the owner directing the owner to move the animal. If the animal is found in the public street, road or sidewalk and the owner is not at home or refuses to remove the animal from the street, road or sidewalk, the animal may be seized and impounded.
- (b) When an animal has been impounded three (3) times or the owner has been cited three (3) times for housing the animal less than five (5) feet from the public street, road or sidewalk, the Animal Control Officer shall seize and impound the animal, and the animal shall become the property of the County.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-74. Intentionally or willfully causing animal to violate article.

It shall be unlawful for any person to intentionally or willfully cause an animal to be a public nuisance. The Animal Control Officer may seek a criminal summons for a misdemeanor and/or issue a civil penalty for violation of this section.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-75—6-100. Reserved.

ARTICLE V. STRAY OR ABANDONED ANIMALS

DIVISION 1. GENERALLY

Sec. 6-101. Abandoned animals.

- (a) It shall be unlawful for any person, owner or possessor to abandon an animal for any reason. Animal Services may impound any abandoned animal.
- (b) Notice of seizure shall be posted on the premises from which the animal was seized, and in the case of eviction, shall be sent to the last known address of the owner or possessor of the animal. It is the owner's responsibility to make a visual inspection of the animal shelter if he has reason to believe that his animal has been impounded at the shelter.
- (c) If an abandoned animal is not redeemed within three (3) business days of the date of impoundment, the animal shall become the property of the County.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-102. Notification to Animal Services division.

- (a) Any person who has knowledge of or keeps, feeds, harbors or possesses a stray or abandoned animal must notify Animal Services within twenty-four (24) hours of having knowledge of the animal or the animal coming into his/her possession or control.
- (b) Any person required to notify Animal Services under subsection (1) must provide the following information to Animal Services:
 - (1) The name, address and telephone number of the person completing the lost/found report.
 - (2) A description of the animal, including its color, breed, sex, age and any other identifying information.
 - (3) The location where the animal was discovered.
- (c) Any person who gives away, sells or allows an otherwise stray or abandoned animal to be adopted without first surrendering the animal to the animal shelter shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-103. Stray animals.

- (a) Any person having knowledge of or keeping, feeding, harboring or possessing a stray animal must surrender the animal to the Animal Services division.
- (b) All stray animals delivered to Animal Services shall be taken to the County Animal Shelter. If an owner does not redeem the animal within three (3) business days, the animal shall become the property of the County and may be disposed of in accordance with this chapter.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

DIVISION 2. Community Cat Initiative

Sec. 6-104. Community Cats.

The County of Catawba hereby adopts this Community cat initiative subchapter.

Sec. 6-105. Trap-Neuter-Return Programs.

- (a) Organizations or individuals that engage in Trap-Neuter-Return are encouraged to register through a sponsoring organization. Organizations performing or supporting Trap-Neuter-Return in Catawba County shall identify and nominate a community cat sponsoring organization, which shall be recognized by the Catawba County Director of Emergency Services or his designee.
- (b) The community cat sponsoring organization shall make available to the public information about Trap-Neuter-Return and feral cats, shall attempt to notify the appropriate community cat caregiver when notified by the Animal Services Division about an impounded ear tipped cat, and shall provide a single point of contact to the Animal Services Division for the coordination of Trap-Neuter-Return, calls about at large cats, and calls about complaints related to community cats.
- (c) Responsibilities of the community cat caregiver:
 - (1) Cats must be trapped using humane trapping techniques;
 - (2) Cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery;
 - (3) Cats must be spayed or neutered;
 - (4) Cats must be vaccinated for rabies and FVRCP (Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia);

- (5) Cats must be ear tipped;
- (6) Cat bites must be reported to Catawba County Animal Services.
- (d) Responsibilities of Catawba County Animal Services Division.
 - (1) Persons that contact Animal Services about stray or community cats shall be provided information about Trap-Neuter-Return and referred to the community cat sponsoring organization.
 - (2) When a person contacts Animal Services with a complaint about an ear tipped community cat, County Staff will contact the community cat sponsoring organization for assistance in resolving the complaint.

Secs. 6-106—6-130. Reserved.

ARTICLE VI. DANGEROUS AND POTENTIALLY DANGEROUS DOGS¹

Sec. 6-131. Determination of dangerous and potentially dangerous dogs.

The Director of Emergency Services shall determine whether a dog is to be declared dangerous or potentially dangerous. Once the dog is deemed dangerous or potentially dangerous, the Animal Services division shall impound the dog immediately. The Director of Emergency Services shall notify the owner in writing, giving the reason for the determination. The owner of a dog which has been declared to be dangerous or potentially dangerous has the right to appeal the decision in the manner set forth in section 6-132.

(a) *Dangerous dog.* A dangerous dog will be classified as either a level 1 or level 2 dangerous dog.

(1) *Level 1:*

a. The dog will be classified as level 1 if the dog:

- 1. Killed a person;
- 2. When not on the owner's real property, inflicted severe injury to a person;
- 3. Was previously declared a level 2 dangerous dog and while out of the secure enclosure bit a person;
- 4. Was previously declared a level 2 dangerous dog and while out of the secure enclosure and not on the owner's real property bit another domestic animal;
- 5. Was previously declared a potentially dangerous dog and inflicted severe injury to a person; or
- 6. Was previously declared a potentially dangerous dog and when not on the owner's real property killed or inflicted severe injury to a domestic animal.

b. The Director of Emergency Services shall order the level 1 dangerous dog to be humanely euthanized.

(2) *Level 2:*

a. The dog will be classified as level 2 if the dog:

- 1. When on the owner's real property inflicted severe injury to a person;
- 2. Is or was owned or harbored primarily or in part for the purpose of dog fighting, or trained for dog fighting, in violation of G.S. 14-362.2 and article III of this chapter;
- 3. Was previously declared a potentially dangerous dog and when not on the owner's real property bit another domestic animal but did not cause a severe injury; or

4. Was previously declared a potentially dangerous dog and bit a person but did not cause a severe injury.
- b. The owner must confine the level 2 dangerous dog as outlined in sections 6-133(a) and (b).
- (b) *Potentially dangerous dog.* If a potentially dangerous dog is redeemed by the owner, the owner must keep the dog under restraint and comply with section 6-133(c) below. A dog will be classified as potentially dangerous if the dog:
 - (1) When not on the owner's real property killed or inflicted severe injury upon a domestic animal; or
 - (2) When not on the owner's real property approached a person in a vicious or terrorizing manner in an apparent attitude of attack; or
 - (3) Inflicted an unprovoked bite to a human.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-132. Appeal procedure for dangerous and potentially dangerous dogs.

- (a) The owner of a dog which has been declared dangerous or potentially dangerous pursuant to section 6-131 has the right to appeal the determination by filing a written objection, stating the grounds for the appeal, with the Animal Services division within three (3) business days of receipt of the dangerous or potentially dangerous dog determination letter. If the owner fails to file the written objection, a level 1 dangerous dog shall become the property of the County and shall be euthanized in accordance with this chapter and a level 2 dangerous dog or a potentially dangerous dog must meet the requirements of this article.
- (b) The dangerous dog appellate board, as designated by the County, shall hold a hearing within ten (10) business days of the filing of the written objection. The person requesting the appeal will be notified of the decision within ten (10) business days following the final decision of the appellate board. Any appeal from the final decision of the appellate board shall be to superior court by filing a notice of appeal and petition for review within ten (10) business days of receipt of the final decision of the appellate board. This written notice must be served on Animal Services as well as the clerk of superior court.
- (c) The dangerous dog appellate board shall be composed of five regular members and two alternates. At least one of the regular members shall be a licensed veterinarian. Members and alternates must be residents of Catawba County and appointed by the Board of Commissioners to serve until a successor is appointed. A quorum of at least three members (any combination of regular members and alternates) must be present at an appellate board hearing in order for the appellate board to conduct business. The members of the dangerous dog appellate board shall be expected to disclose any prior personal involvement they have had with the case or other conflicts of interest, and upon a motion of the board, the member making the disclosure may be recused.
- (d) All testimony offered at the appellate board hearing held pursuant to this chapter shall be given under oath and recorded by audio recording. The hearing shall be open to the public, and the person requesting the appeal may be represented by an attorney.
- (e) The Director of Emergency Services shall have the burden of demonstrating that this chapter has been violated. The person requesting the appeal will be given an opportunity to prove this chapter has not been violated. The Director of Emergency Services will be given a final opportunity to clarify any conflicts, ambiguities or inconsistencies created by or arising from the statements or evidence. The dangerous dog appellate board may ask questions at any time during the appeal hearing and may request additional evidence from either party, including continuing the hearing in the interest of fairness.
- (f) Any decision rendered by the dangerous dog appellate board applies only to the violation(s) appealed and does not prevent the Animal Services division from enforcing a subsequent violation of the same

provision or any other provision of this chapter. If the dangerous dog appellate board upholds or affirms the decision of the Director of Emergency Services the owner is responsible for all applicable boarding fees, redemption fees and civil penalties.

- (g) If the owner of the dog does not file a written appeal of the dangerous dog appellate board within the time period required by law or if the owner of the dog does not comply with the confinement requirements as specified in section 6-133 within twenty-one (21) calendar days of the final decision of the dangerous dog appellate board or superior court, then the dog becomes the property of the County.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-133. Confinement, restraint, and penalties of dangerous and potentially dangerous dogs.

- (a) *Dangerous dog requirements.* The owner of a dangerous dog that is required to be confined pursuant to section 6-131(1)b may redeem the dog upon complying with the following:

- (1) The owner of a dog which has been declared a level 2 dangerous dog must file a written notice of intent to comply with the enclosure requirements outlined below with the Animal Services division within three (3) business days of receipt of the dangerous dog determination letter. If the owner fails to file a written notice, the dog shall become the property of the County and shall be euthanized in accordance with this chapter.
- (2) Before redemption, a dangerous dog must be fitted with microchip identification, at the owner's expense.
- (3) The owner must pay all outstanding fines and fees owed to the Animal Services division.
- (4) From the initial notice from the Animal Services division, the owner has twenty-one (21) calendar days to erect the secure enclosure. If the owner appeals the determination in accordance with this chapter to the dangerous dog appellate board or superior court, and the decision is upheld, the owner has twenty-one (21) calendar days to erect the secure enclosure from the date of the decision. The secure enclosure must conform to all of the following:
 - a. The structure must be a minimum size of 15 feet by 6 feet by 6 feet with a concrete pad at least 2 inches thick. If more than one dog is to be kept in the enclosure, the floor area must provide at least 45 square feet for each dog. The walls and roof of the structure must be constructed of welded chain link, of a minimum thickness of 12-gauge, supported by galvanized steel poles at least 2.5 inches in diameter. The vertical support poles must be sunk in concrete-filled holes at least 18 inches deep and at least 8 inches in diameter. The chain link fencing must be anchored to the concrete pad with galvanized steel anchors at intervals of no more than 12 inches along the perimeter of the pad. The entire structure must be freestanding and not attached or anchored to any existing fence, building, or structure. The structure must be secured by a pad lock.
 - b. A warning sign of at least 120 square inches must be visible from each side of the structure and visible to any adjoining property.
 - c. The secure enclosure must be inspected and approved by the Director of Emergency Services.
 - d. The owner of the dog is responsible for ensuring that the enclosure is maintained in such a condition to continually meet the requirements of the article. Failure to maintain or repair the enclosure shall subject the owner to penalties under this chapter.
 - e. Prior to inspection of the enclosure by the Director of Emergency Services, the dog shall not be returned to the owner's property until the shelter and warning signs have been approved. While the structure is being erected, the dog must be boarded at the County Animal Shelter at the owner's expense.

- (5) At the owner's expense, the owner of a dangerous dog shall procure and maintain liability insurance in the amount of at least \$100,000.00.
- (b) *Maintenance of a dangerous dog.* The owner of a dangerous dog that is required to be confined pursuant to section 6-131(1)b must comply with the following:
- (1) A dangerous dog shall not be permitted out of the enclosure unless the dog is under physical restraint by a competent person who by means of a leash, chain or tether no longer than six feet has the dog firmly under control at all times. Voice command and electronic collars are not recognized as adequate restraints. A dangerous dog must be muzzled when not on the owner's real property.
 - (2) If the owner can provide detailed written instructions from a licensed veterinarian that the dog must remain out of the secure enclosure for a specified amount of time due to sickness or injury, then the dog shall immediately be housed at a veterinarian clinic until it is medically cleared, at which time the dog shall immediately be returned to the secure enclosure. Written instructions from a licensed veterinarian must be updated at least every 30 days by a licensed veterinarian and provided to the Animal Services division by the owner.
 - (3) In addition to criminal penalties provided by state law and civil penalties set forth in section 6-10, any person who violates the requirements set forth in sections 6-133(a) and (b) shall be subject to the following sanctions and remedies:
 - a. If a dangerous dog is found at large, it shall be seized and impounded. An Animal Control Officer is authorized to go upon private property to seize the dangerous dog.
 - b. The Animal Services division shall have the right to inspect the enclosure at any time. If an inspection of the enclosure reveals that the owner has not complied with the requirements for confining and/or restraining the dog, an Animal Control Officer may issue a civil penalty and may impound the dog.
 - c. If the dog is not redeemed within three (3) business days of the impoundment pursuant to this section or if the owner does not request an appeal within the time limit provided in section 6-12, the dog shall become the property of the county and shall be disposed of in accordance with this chapter.
 - d. If a person is knowingly harboring a dog designated as dangerous by a different county or jurisdiction without appropriately confining the dog as set out in sec. 6-133(a), Animal Control Officers shall seize the dog and issue a civil penalty.
 - e. Upon a second violation of this section, the dog will be impounded immediately and will become the property of the County and will be disposed of in accordance with this chapter.
- (c) *Potentially dangerous dog.* The owner of any potentially dangerous dog may redeem their dog upon complying with the following:
- (1) At the owner's expense and before redemption, a potentially dangerous dog must be fitted with microchip identification.
 - (2) The owner must pay all outstanding fines and fees due to the Animal Services division.
 - (3) The owner must keep the dog under restraint at all times. Restraint under this section includes:
 - a. Controlled by means of a chain or other approved tether no longer than 20 feet or a leash no longer than six feet. Voice command and electronic collars are not recognized as adequate restraints.
 - b. Within a vehicle being driven or parked, and secured in such manner as to prevent the animal from escaping or causing injury to persons approaching or passing the vehicle. An animal is not under restraint if it is in the back of an open-bed pickup.

- c. Within a fenced enclosure adequate to secure the dog so as to prevent it from escaping from the owner's real property.
 - d. Not permitting the dog to go beyond the owner's real property unless the dog is leashed and muzzled.
- (d) *Private action.* Nothing in this article shall prevent a private citizen from bringing an action against the owner of a dog which has caused injury to the private citizen or his property for damages or any other loss resulting from the dog's conduct being dangerous.
- (e) *Penalties.* Any person who violates a provision of this article is subject to the penalties listed in section 6-10.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-134. Registration and transfer of ownership.

- (a) *Registration.* A current registration shall be maintained by the Animal Services division for every dog determined to be dangerous or potentially dangerous. The owner of the dog is responsible for ensuring that the dog is registered. Registrations must include the name and address of the owner, identifying information concerning the dog, a copy of the certificate of insurance, verification of current rabies vaccination, and any other information the Animal Services division deems necessary. The owner shall register the dog annually with the Animal Services division during the month of January. If the dog dies, the owner is responsible for notifying Animal Services immediately. If ownership is transferred, subsection (2) below applies.
- (b) *Transfer.* If the owner of a potentially dangerous or dangerous dog transfers ownership or possession of the dog to another person, the owner must, not less than ten (10) calendar days prior to the transfer, provide written notice to the Director of Emergency Services stating the intent to transfer the dog and the name, telephone number, and address of the new owner or possessor of the dog. The new owner must assume all responsibilities regarding the dangerous or potentially dangerous dog. The Director of Emergency Services must inspect the new, proposed location to ensure compliance with the written order prior to the dog's relocation. If the location does not fall under the jurisdiction of this article, the Director of Emergency Services shall contact the appropriate animal control or law enforcement agency of the owner's intent to relocate the dog in question to a location within such agency's jurisdiction, and shall provide copies of all records pertaining to the dog to the agency prior to the dog's relocation.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-135. Exceptions.

This article does not apply to the following:

- (a) A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard to carry out the law enforcement officer's or security guard's official duties or professional responsibilities;
- (b) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, keeper or harborer, and the damage or injury was to a specific type of domestic animal appropriate to the work of the dog; or
- (c) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury was tormenting, abusing, or assaulting the dog; had tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-136. Removal of potentially dangerous dog designation.

- (a) A potentially dangerous dog that has killed or inflicted severe injury on a pet or domestic animal can have the designation removed if:
 - (1) The dog and the owner successfully pass an AKC Canine Good Citizen Test; and
 - (2) The dog has no reported incidents to Animal Services for thirty-six (36) consecutive months after designation of potentially dangerous.
- (b) It is the responsibility of the dog owner to submit a request for designation removal to Animal Services after thirty-six (36) consecutive months and completion of AKC Canine Good Citizen Test. The potentially dangerous dog designation remains in effect until the dog owner receives written notification from Animal Services that it has been removed.

Secs. 6-137—6-143. Reserved.

ARTICLE VII. IMPOUNDMENT OF ANIMALS

DIVISION 1. GENERALLY

Sec. 6-144. Authority.

- (a) Not inconsistent with the preceding articles of this chapter, any healthy animal which appears to be lost, stray or unwanted, or any dog or cat which is impounded pursuant to any provision of this chapter may be confined to the animal shelter or any other appropriate facility in a humane manner.
- (b) Animal Services is authorized to obtain suitable board, maintenance and care from any available source for any impounded animal for which the animal shelter is not equipped to care. Unless otherwise provided herein, the owner of any animal impounded and cared for under any provision of this chapter may redeem the animal upon payment of all fees, costs and penalties authorized by this chapter.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-145, 6-146. Reserved.

DIVISION 2. REDEMPTION

Sec. 6-147. Generally.

An owner of an animal that has been impounded by the Animal Services division may redeem the animal, except as otherwise provided by this chapter, upon compliance with the provisions of this chapter.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-148. Proof and acknowledgment of ownership.

- (a) Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy Animal Services personnel of ownership of the animal. Evidence of ownership may include, but is not limited to, the following:
 - (1) A valid rabies tag for the animal; or
 - (2) Ownership documents, pedigree papers, bill of sale, veterinarian records, or any other document identifying the person as the owner of the animal; or
 - (3) Photographs of the animal with the person claiming ownership or their immediate family members.
- (b) In addition to the requirements set forth in subsection (1) above, any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy Animal Services personnel that he/she is acting as an agent for the person claiming ownership.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-149. Time limits.

Unless otherwise provided by this chapter or state law, any animal impounded at the animal shelter, or other appropriate facility, must be redeemed within three (3) business days of impoundment. Any person attempting to redeem an animal must appear in person at the animal shelter and make payment of all applicable costs, fees and penalties.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-150. Payment of redemption fees and other fees, costs and penalties.

- (a) Any person attempting to redeem an impounded animal must pay all amounts owed prior to redeeming an impounded animal.
- (b) Any person attempting to redeem an impounded animal must pay all costs for transportation, veterinary treatment and other costs associated with the care of the animal, in addition to boarding and redemption fees, and all outstanding civil penalties. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding medical costs, penalties and fees that have accrued prior to the animal being surrendered or as a result of the animal being impounded.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-151—6-153. Reserved.***DIVISION 3. DISPOSITION*****Sec. 6-154. Surrendered animals.**

If the owner, or an individual with authority to act on behalf of the owner, officially surrenders an animal to Animal Services, after twenty-four (24) hours the animal may be adopted, relocated to a nonprofit rescue group or humanely euthanized without waiting three (3) business days.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-155. Feral cats.

Feral cats unsuitable for adoption, as determined by the Director of Emergency Services, that are not subject to a Trap-Neuter-Return program, will be held for three (3) business days and may then be humanely euthanized.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-156. Notice.

A good-faith effort will be made to notify known owners of impounded animals.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-157. Unredeemed, injured, sick or diseased animals.

- (a) An impounded animal shall become the property of the County, without further notice to the owner, if the owner fails to pay all amounts due at redemption or if the owner fails to redeem the animal before the time limit for redemption has expired.
- (b) Once the animal becomes the property of the County, ownership shall transfer, by operation of law, to the County.

- (c) Any animal impounded which is badly injured, sick or diseased and has no identification shall be humanely euthanized immediately in a humane manner. If the animal has identification, Animal Services shall attempt to notify the owner; but if the owner cannot be reached readily, and the animal is suffering, Animal Services may humanely euthanize the animal.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-158. Sale of impounded animals.

- (a) Fees shall be charged by the County for the sale of animals in accordance with the Fee Schedule of the County, which is kept on file in the office of the budget manager and the County Animal Shelter.
- (b) The fee for the sale of euthanized cats for research purposes will fluctuate due to the market.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-159. Disposal of dead animals.

- (a) *Domesticated animals.* Any person who owns or possesses any domesticated animal that has died shall comply with the requirements of G.S. 106-403 regarding the burial or removal of an animal carcass. When the owner of a dead domesticated animal is unknown, it shall be the responsibility of the property owner to dispose of the animal.
- (b) *Wildlife.* It shall be the responsibility of the property owner to dispose of dead wildlife, unless a human or domestic animal has been in contact with the wild animal and that wild animal is a potential rabies carrier, at which time the individual must notify the Animal Services division.
- (c) *Dead animals in right-of-way.* Nothing in this section shall affect the department of transportation's responsibility to pick up dead animals that lie on the right-of-way.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Secs. 6-160—6-200. Reserved.

ARTICLE VIII. DANGEROUS EXOTIC ANIMALS²

Sec. 6-201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Dangerous exotic animal* means any animal which:
- (1) Is not native or indigenous to this state;
 - (2) Would ordinarily be confined to a zoo;
 - (3) Does not have an established wild population in this state;
 - (4) Is not regulated by the state wildlife commission;
 - (5) Is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm, including, but not limited to, non-human primates, ocelots, wolves, hybrid wolves, venomous reptiles, and other such animals; or
 - (6) All mammals designated by the centers for disease control and prevention, department of agriculture or other national or state public health protection agencies as embargoed or prohibited.
- (b) *Harbored of inherently dangerous exotic mammal or inherently dangerous reptile* means any person, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard,

enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

(c) *Inherently dangerous exotic mammal* means any member of the *Canidae*, *Felidae*, *Ursidae*, or *Elephantidae* families or any member of the order primates, excluding humans, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, are exotic animals, and include, but are not limited to the following:

- (1) *Canidae* means any member of the dog (*Canid*) family not customarily domesticated by man or any hybrids of such *Canidae*, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae* means any member of the cat family not customarily domesticated by man, or any hybrids of such *Felidae*, but not including domestic cats (*Felis catus*).
- (3) *Ursidae* means any member of the bear family, or hybrids of such *Ursidae*.
- (4) *Primate* means any member of the order primates.
- (5) *Elephants* (members of the genus *Elaphus* or *Loxodonta*).

(d) *Inherently dangerous reptile* means any member of the *reptilia* class which:

- (1) Is venomous. A venomous reptile shall include all members of the families *Helodermidae* (gila monsters and Mexican beaded lizards), *Viperidae* (vipers), *Crotalidae* (pit vipers), *Atractaspidae* (burrowing asps), *Hydrophilidae* (sea snakes), and *Elapidae* (cobras, coral snakes, and their allies), as well as any rear-fanged snakes of the family *Colubridae* that are known to be dangerous to humans, including, but not limited to, *Dispholidus typus* (boomslang), *Thebtornis kirtlandii* (twig snake), *Rhabdophis* (keelbacks).
- (2) Is a large constrictor. Constricting reptiles more than eight (8) feet in length
- (3) Is a member of the order *Crocodylia* (crocodiles and caiman).
- (4) Is a Komodo Dragon or Komodo monitor (*Varanus komodoensis*).

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 6-202. Unlawful possession.

At no time may a person harbor a dangerous exotic animal, inherently dangerous exotic mammal or inherently dangerous reptile.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-203. Exceptions.

This article does not apply to the following:

- (1) Veterinary clinics in possession of such animals or reptiles for treatment or rehabilitation purposes.
- (2) Nonresident circuses for no longer than one seven-day period per each separate location where such circus is held within the county per calendar year.
- (3) Persons temporarily transporting such mammals or reptiles through the county, provided that such transit time shall not be more than 24 hours.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-204. Impoundment; disposition of impounded animals.

- (a) A dangerous exotic animal, inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of section 6-202 pertaining to possession of dangerous exotic animals and inherently dangerous exotic animals may be impounded by Animal Services for the protection of the animal or for the protection of the public.
- (b) If an animal is impounded pursuant to this section, the owner or harbinger of the animal shall be notified by Animal Services in person or by certified mail.
- (c) Any animal impounded pursuant to this section will be held three (3) business days for the owner to claim pursuant to subsection (d); however, if the animal cannot be impounded safely by the Animal Control Officer or if proper and safe housing cannot be found for the animal, Animal Services can immediately destroy the animal.
- (d) The owner or harbinger of the animal can reclaim the animal if the person can satisfy the Director of Emergency Services that a safe transfer of the animal to an appropriate location outside of the county has been arranged.
- (e) If no owner or harbinger can be located or will claim the animal within three (3) business days after impoundment, Animal Services may sell, adopt, or euthanize the animal at the discretion of the Director of Emergency Services.
- (f) All costs of impoundment and care of the animal will be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to the owner or harbinger. If the animal is reclaimed, such costs shall be paid in full prior to the owner or harbinger reclaiming the animal pursuant to subsection (d).

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

Sec. 6-205. Violations and penalty.

Any person who is found guilty of a violation of this article shall be deemed guilty of a class 3 misdemeanor and a civil penalty may be issued.

(Ord. of 8-17-2009; Ord. No. 2014-04, 6-16-2014)

The 6th day of March, 2023.

[Seal]

C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

Dale R. Stiles, Clerk to the Board
Catawba County Board of Commissioners